

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 p.m.

May 12, 2016

Council Chambers

COMMISSIONERS PRESENT: Peter DeMasters, Carol Pyles, William Blosser, Sam Loretta, Bill Kawecki, Bill Petros, Michael Shuman, and Tim Stranko

COMMISSIONERS ABSENT: Charles McEwuen

STAFF PRESENT: Christopher Fletcher, AICP and John Whitmore, AICP

I. CALL TO ORDER/ROLL CALL: DeMasters called the meeting to order at 6:30 p.m. and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.

II. GENERAL PUBLIC COMMENTS:

DeMasters recognized David Biafora of 6200 Mid-Atlantic Drive who expressed that Charles McEwuen was illegally appointed to the Planning Commission and the City Charter was not followed properly. Biafora expressed that Planning Commissioners are voting on bad information and costing the City money and asked Commissioners to understand Planning and Zoning before voting on projects.

DeMasters recognized James Giuliani of 256 Prairie Avenue who stated he applied for the Planning Commission appointment along with Charles McEwuen. Giuliani noted that McEwuen is a member of Main Street Morgantown which had submitted a letter in support of the Standard project prior to McEwuen joining the Planning Commission. Giuliani stated that McEwuen was aware of the Standard project and in favor of the project prior to accepting the appointment and voted in favor of the project at the April Planning Commission hearing. Giuliani stated Mikorski did not follow the appropriate steps for appointing the new Planning Commissioner and McEwuen is not eligible to sit on the Commission.

DeMasters recognized Joe Yip of 1389 University Avenue who stated he has personal safety concerns and noted the owner of the Shell Gas Station has put up a plastic fence which prohibits accessible traffic and has changed the traffic pattern. Yip stated the intersection at University and Fayette is congested and dangerous and asked the Planning Commission to mitigate and resolve the issues in that area.

III. MATTERS OF BUSINESS:

A. Approval of the April 14, 2016 meeting minutes: Stranko moved to approve as presented; seconded by Kawecki. Motion carried unanimously with DeMasters abstaining due to his absence.

IV. UNFINISHED BUSINESS:

- A. **S15-09-III / Standard at Morgantown LLC / 1303 University Avenue:** Request by J. Wesley Rogers, on behalf of Standard at Morgantown, LLC, for a Type III Development of Significant Impact Site Plan approval at 1303 University Avenue; Tax Map 26A, Parcels 6 thru 15; B-4, General Business District. This petition was continued at the Planning Commission's March 10, 2016 and April 14, 2016 hearings.

Fletcher noted an email was received Mike Greenlee, on behalf of the developer, requesting to postpone the project to the June 9, 2016 Planning Commission hearing.

Petros asked if the developer planned to provide more information and asked if the petitioner was present. Fletcher stated the petitioner was present.

Stranko stated additional information has not been received from the petitioner that was requested by the Planning Commission at the last hearing. Fletcher clarified that a memo was included in the meeting packet with additional information provided by the petitioner's attorney.

Petros noted his request for numbers in traffic delay at the intersection has not been provided. Fletcher referred to the meeting packet and noted the petitioner did provide answers to questions asked regarding traffic count and suggested additional discussion with the petitioner if those questions were not answered satisfactorily.

Petros expressed the responses provided are not sufficient and requested concrete numbers and percentages in traffic delays and asked if the traffic light would be in sync with the Walnut Street light.

Stranko stated it is necessary to talk with the City Engineer to better understand the changes in traffic delays as he has reviewed the project and could provide a better understanding to the Commissioners. Stranko noted that successful cities have traffic and there will be delays on University Avenue.

Petros noted that successful cities have redundant ways across in which Morgantown does not.

DeMasters expressed concerns with asking for additional evidence on traffic delays as it could be arbitrary and capricious. Stranko agreed.

Loretta noted the project has been going on for six months and the petitioner has had time to submit answers. Loretta noted the ventilation for the parking garage has still not been submitted. Loretta expressed that if they haven't submitted requested information by now then it's unlikely they will and said he would like to vote on the project and not postpone further.

Loretta made a motion to vote on the project; seconded by Shuman. Motion carried 7-1 with Petros voting nay.

Stranko made a motion to approve S15-09-II with conditions; seconded by Shuman. Motion failed to obtain a majority with a 4-4 vote result with Loretta, Petros, Shuman and Pyles voting nay.

Loretta asked if McEwuen's vote would be void if the challenge to McEwuen's appointment is upheld. DeMasters stated that decision would be up to the judge.

Fletcher asked what Staff can do to get more information concerning pedestrians. Petros stated he wants numbers on the intersection crossings.

Stranko suggested the City Engineer participate in presenting intersection crossings in order to have the most objective source possible. Petros agreed as the information provided thus far is not clear.

Blosser asked for additional clarification on entrance and egress of large fire and service trucks on and off of University Avenue.

Fletcher asked if a written memo from the petitioner including requested information would suffice for the next hearing or if they would prefer an additional presentation. Stranko requested the City Engineer be present and stated no additional presentation by the petitioner is needed in regards to intersection traffic. Petros requested something in writing to show a table and percentages regarding intersection traffic.

Loretta asked why the ventilation system has not been designed for the parking garage. Fletcher responded the design of the ventilation system is not a matter for the Planning Commission to consider as the petitioner is simply seeking site plan approval to establish the right to move forward with the project including the design of building systems in preparation of building permit application.

- B. Small Area Plan – Area 17 – Darst Street and Jerome Street:** The Planning Commission will hold a public hearing to accept the revised Small Area Plan Recommendations Report for Future Study Area 17. This matter was tabled at the Planning Commission's March 10, 2016 hearing.

Stranko made a motion to remove Small Area Plan – 17 – Darst Street and Jerome Street from the table; seconded by Blosser. Motion carried unanimously.

Fletcher presented the revised Staff Report recommendations. Fletcher noted that a third neighborhood forum was held and resulted in positive and constructive discussion. Fletcher noted that most of the neighborhood felt it was not beneficial for the study area to go from R-1 to R-1A and asked for the Planning Commission to accept the first Small Area Plan.

Stranko made a motion to accept Small Area Plan – 17 as presented; seconded by Kawecki.

Petros noted the development in that particular area is limited due to the constraints of the road and asked if there was a way to communicate with tangible evidence to the MPO that an increase in density could be possible if the road was improved. Fletcher stated a letter could be prepared.

Kawecki appreciated the concerns from the neighborhood but noted there is a need for affordable single-family housing and would like to see the Housing Authority move forward with their plans to develop affordable housing.

Stranko stressed the importance of green space that serves as useful stormwater management areas and questioned environmental justice as additional housing could affect the quality of living in that neighborhood.

Motion carried 7-1 with Blosser voting nay.

V. NEW BUSINESS:

- A. MJS16-01 / Stonehurst, LLC / Buckhannon Avenue:** Request by Trevor Lloyd of Cheat Road Engineering, on behalf of Stonehurst, LLC, for a major subdivision approval to create 19 parcels from a tract of land accessed from Buckhannon Avenue; Morgantown District, Map 42, Parcel 25 and Morgan District, Map 10, p/o Parcel 8; R-1, Single-Family Residential District.

Fletcher presented the Staff Report.

DeMasters recognized Doug Warden of 240 Ridges Summit Drive, who stated he is a member of Stonehurst, LLC. Warden explained the project has a total of 19 lots with five of those lots within the City limits. Warden noted the development will consist of higher-end single-family homes and include a 24 foot street and sidewalks. Warden stated the entire plat will be developed by the guidelines of the City for possible annexation at a later date if desired. There is a cul-de-sac that meets the guidelines for fire safety and there will be an entrance off Buckhannon Avenue. Warden noted that a traffic study was completed by the City's Engineering Department and showed the site distance off Buckhannon Avenue appeared to be more than sufficient.

DeMasters recognized Trevor Lloyd of Cheat Road Engineering who presented PowerPoint slides to further explain the project.

Blosser asked if Doris Street could be used to access the development. Warden explained that access from Doris Street would require crossing 30 acres before reaching the development.

Stranko asked for amount of green space that will be destroyed with this project. Warden stated the development includes approximately seven (7) acres.

Stranko asked for the characteristic of the soil in the area. Lloyd said the soil includes standard clay and possible rock hammering.

Kawecki inquired if the project will spread to Haymaker Village. Warden explained this project will not be tied in to the future development of Haymaker Village.

Fletcher referred to drawings in the meeting packet to clarify that earlier drawings submitted included a road access to Haymaker Village but drawings have since been revised.

Lloyd explained they will develop a temporary access road in order to install the sanitary sewer and stormwater management systems.

Kawecki referred to the drawings and asked if lot 19 is in City limits and if so would a permit be required to develop the temporary access road. Lloyd confirmed the temporary access road is in the City and a permit would be required.

Fletcher referred to the meeting packet to further explain the parcels affected in the City limits.

Lloyd further explained the setback lines within each parcel and how the land would be excavated.

Petros asked for the percentage of each lot. Warden said each lot will be approximately one-third to one-half acre in area and approximately 1,500 to 1,800 square foot houses.

Petros asked why the project is not being annexed into the City prior to beginning development. Warden explained developers met with the City to discuss consideration of annexation but noted it is more costly to annex in from the beginning. Warden noted developers are considering annexing in prior to selling the lots.

DeMasters expressed concerns with annexing in after developed as they would not be paying taxes initially but later benefiting from City services.

Warden explained future property owners will have to adhere to the same building requirements and architectural review guidelines and the street will be designed to meet City requirements.

DeMasters noted the land slopes from top [west] to bottom [east] and asked for further explanation of the drainage.

Warden explained drainage will go underground to a storm water pipe and then routed to a pond.

Lloyd further explained stormwater management and stated the development will have to adhere to and meet WVDEP regulations. Fletcher referred to the meeting packet to further explain the stormwater pond.

Stranko asked if there would be green space within the development. Warden said there would not be green space within the seven (7) acre development.

Petros asked how property lines would be handled to determine how things are constructed inside and outside of the City. Fletcher offered an explanation on how parcel boundaries would determine what is built to City code upon construction.

DeMasters inquired about the entrance from Buckhannon Avenue and expressed concerns of development happening prior to the City accepting the road. Fletcher explained that the City has to approve the development's access to Buckhannon Avenue prior to building permits being issued and stressed the need for a homeowners' association and conveyance that could be included in the final plat.

Commissioners expressed concerns with development in the event lots are sold in the future. Warden stated the intent is to build 19 lots with single-family houses that will range in price from \$400,000 to \$700,000.

DeMasters expressed concerns with access from Buckhannon Avenue should additional development beyond the 19 single-family homes take place in the future.

Commissioners expressed concerns and discussed future boundary adjustments and the annexation process. Warden expressed there would be issues if the City would require annexation prior to development in the future.

DeMasters again expressed concerns with the developer not paying taxes prior to development and then taking advantage of City services after annexation.

Commissioners expressed concerns with the lots located outside of the City limits.

Warden asked if there is a legal mechanism that could put restrictions on lots located outside of City Limits. Stranko stated that is up to City Administration.

DeMasters stated they can't regulate what developers do outside of the City and suggested annexation take place prior to development.

Fletcher suggested tabling the petition to give Staff a chance to identify if conditions can be placed on the development in order to provide reassurances with concerns identified.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition.

DeMasters recognized James Giuliani of 256 Prairie Avenue who stated he is neither for or against the project but expressed favor in the City working with the developers on credits for B&O taxes as it would encourage annexation into the City. Giuliani expressed the need for more single-family housing in the City but understands the concerns with increased traffic with the development. Giuliani encouraged the Commission work with the developers to find a solution to provide more single-family housing in Morgantown.

DeMasters recognized Bill Watson of 970 Southpoint Circle, who is the President of the Southpoint Neighborhood Association, expressed concerns and hazards with the development of the intersection. Watson referred to an earlier site plan that included additional houses and stated opening up Buckhannon Avenue could lead to increased traffic with future expansion to Dorsey Avenue. Watson suggested annexing the entire 30 acres of land to ensure regulation by the City in future development.

DeMasters recognized Mark Brazaitis of 734 Courtney Avenue who referred to the development as a "monster" and stated reassurances are not good enough but rather the need for "iron clad, legally unchallengeable guarantees".

DeMasters recognized Roger Warsewich of 169 Teresa Drive who stated that in 1981 there was a lawsuit against Haymaker Village and presented the Commission with the court documents to be included in the record.

DeMasters recognized Katherine Madison of 825 Madison Avenue who expressed concerns with increased erosion and sedimentation in the reservoir and stated the City is in need of more urban recreational areas which is what the land is being used for currently.

DeMasters recognized Gayle McColloch of 360 Maple Avenue who stated he is a geologist and did research to the land in question. McColloch noted the land is located in a region that includes land sliding-prone areas and referred to the NRCS database of soils that states the area is considered limited for houses with basements, without basements and roads. McColloch presented the Commission with documentation to support his argument.

DeMasters recognized Kris Knowles of 788 Mountainview Place who stated he is strongly opposed to the proposed entrance of the development as it is located in a blind spot on the hill.

Knowles stated there will be accidents and the City needs to explore other locations for an entrance to the future development.

DeMasters recognized Frances Toro of 366 Charleston Avenue who expressed the City does not have enough green space and suggested a way to preserve part of the area is to preserve a wetland corridor along the creek with a nature trail connecting to White Park trails. Toro suggested the City purchase a portion of this land to preserve green space with the hotel/motel tax and should set aside funds to preserve green space in the future as a forest is an asset to the City.

DeMasters recognized Arthur Glover of Morgantown Avenue who stated the entrance would be off Southpoint Avenue and asked the Planning Commission consider all concerns being expressed by the public.

DeMasters recognized Pam Yagle of 933 Vandalia Road who expressed safety concerns with the proposed development and suggested an entrance off of Dorsey would keep traffic out of the South Hills neighborhood. Yagle noted Buckhannon Avenue is a narrow two lane road with limited visibility and can be treacherous in the winter.

DeMasters recognized Tony Christini of 931 Southpoint Circle who stated the development's access at Buckhannon Avenue makes no sense and the three adjacent neighborhood associations in two different wards have all three unanimously opposed access to Buckhannon Avenue via written letters submitted to City Council and the County Commission. Christini stated the owners and developers of the project are seeking an unwanted intrusion with requesting access on to Buckhannon and the area is listed as an environmental preservation area under the City's Comprehensive Plan. Christini suggested all streets run to Dorsey Avenue as all streets leading to Buckhannon are residential streets and encouraged the Planning Commission, City Council and County Commissioners to work with the City to preserve as much green space as possible especially along the City neighborhoods.

DeMasters recognized Alice Meehan of 888 Vandalia Road who is in favor of preserving Haymaker forest and suggested the City purchased some of the land through grants to preserve the green space. Meehan suggested limiting the number of houses to 10 dwellings and asked the Planning Commission to only grant access to the Stonehurst development via Dorsey Avenue as it will preserve the South Hills roads.

DeMasters recognized Jeannie Glover 534 Springville Avenue who asked the Planning Commission to review the project closely as she feels the information being presented from the developer is incorrect relating to streets listed and a survey that was conducted on her property.

DeMasters recognized Sandra Fallon of 39 Buckhannon Avenue who would like to see the quality of the neighborhood preserved and expressed concerns with safety of access from Buckhannon Avenue. Fallon asked for a buffer zone should the development be approved as her house would abut the houses to be built with the project.

DeMasters recognized Mosen Hardin of 702 South Hills Drive who moved to the area from Montana recently and stated that traffic in Morgantown is a major issue. Hardin stated that her family only has one vehicle and walks Buckhannon Avenue daily. Harding asked the Planning Commission to consider the safety of the road with pedestrians and expressed that growth does not mean more families and more cars downtown. Hardin expressed that the plan submitted is

laughable as it includes a sidewalk that would offer no benefit to current walkers and noted there are sensitive species in the area and stated it would be unwise to go forward without permits.

DeMasters recognized Barbara Walker of 127 Springfield Avenue who stated she is glad this is not a multifamily housing project and encouraged the developers to think about the people they want to buy their houses and the fact they might appreciate the green space. Walker asked the Commission to develop a plan to allow for green space.

DeMasters recognized Ann Siochi of 800 South Hills Drive who expressed concerns with the increased traffic that would come with the proposed development and stated the intersection proposed is not safe.

There being no further comments, DeMasters declared the combined public hearing closed and offered the petitioner a chance at rebuttal.

DeMasters recognized Doug Warden who stated the construction traffic will enter through Dorsey Avenue and noted he would work with the Commission on the access to Buckhannon Avenue to restrict use to the 19 houses.

Stranko moved to table Case No. MJS16-01; seconded by Loretta.

Stranko suggested the developers reach out and speak with the community to come up with a plan for a better application, including what is to be done with the remaining acreage of the project.

Petros asked for the City Engineer to research the entrance off Buckhannon Avenue and see if the proposed intersection could be shifted a different way to alleviate the grade and visibility concerns.

Stranko expressed favor in annexing the entire acreage of Haymaker Village to ensure a forum be developed to logically discuss and look at the plan holistically and noted it would be beneficial to everyone.

DeMasters expressed that traffic would be minimal with the development but the Commissioners can't control what happens outside of the City. DeMasters stated he would like to see the whole area annexed in to the City and it is their job to look out for the City and the future of that area.

Petros noted the topography of the area would include a lot of green space on each lot and the aesthetics could look worse in a different design but has major concerns on the lack of control with the land located outside of the City limits.

Stranko stated there are five (5) elements of the plan that are not compliant with the Comprehensive plan and the Commission tries to remain consistent with that plan.

Kawecki asked for clarification on why the petition was being tabled. Stranko clarified and explained by tabling the petition it gives developers the opportunity for further discussion amongst themselves and neighbors.

Kawecki expressed a vote should be given on what the petitioner wants to present. Kawecki stated the Commission has a good understanding of the project to make a vote.

Stranko stated that instead of saying no to the project, tabling the petition gives the developers a chance to think on the development further and make improvements to satisfy the neighborhood.

Fletcher noted tabling would provide City Administration an opportunity to work with the petitioner to develop reasonable conditions for consideration by the Planning Commission to ensure only 19 single-family homes would be constructed and only the proposed 19 single-family homes would access Buckhannon Avenue.

Motion to table MJS16-01 carried unanimously.

Stranko stated he had to leave the meeting due to travel commitments and left Council Chambers.

- B. MNS16-05 / Bigelow / 1352 Eastern Avenue:** Request by Elliott A. and Susan W. Bigelow, for minor subdivision approval of property located at 1352 Eastern Avenue; Tax Map 54, Parcels 24.1 and 24.4; R-1, Single-Family Residential District.

Whitmore presented the Staff Report and stated Staff would be representing the petition.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the petition.

DeMasters recognized James Giuliani of 256 Prairie Avenue who spoke in favor of the petition.

Whitmore read the Staff recommendations.

Loretta moved to approve Case No. MNS16-05 with Staff recommended conditions; seconded by Shuman. Motion carried unanimously.

- C. TX16-02 / Administrative / Wall Signs:** Administratively requested Zoning Text Amendments to Article 1329.02 "Definitions" of the City's Planning and Zoning Code it relates to providing for wall signs on retaining walls.

Whitmore presented the Staff report.

There being no comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the amendment.

DeMasters recognized James Giuliani of 256 Prairie Avenue who agrees retaining walls should be used for signage but questioned what design standards are appropriate within the City as it seems like every sign is accepted and every variance is approved by the Board.

There being no further comments, DeMasters closed the public hearing.

Whitmore read the Staff recommendations.

Kawecki asked why fences would be excluded within the allowable wall signs. Fletcher explained signage in residential areas are approached differently than in business districts.

Kawecki moved to approve Case No. TX16-02 as presented; seconded by Blosser; Motion carried unanimously.

- D. TX16-03 / Administrative / Bicycle Storage:** Administratively requested Zoning Text Amendments to Articles 1329.02, 1349.08, and 1365.04 of the City's Planning and Zoning Code as they relate to establishing bicycle storage requirements for Developments of Significant Impact.

Whitmore presented the Staff report.

Whitmore explained the new standard would apply to non-residential uses and offered further explanation on rules and regulations for bicycle storage.

DeMasters asked if the bicycle storage would change the parking requirements. White stated the parking requirements will not change.

Blosser asked if a developer would have to add another facility to the project. Whitmore explained there would have to be some kind of additional infrastructure than is currently allowed.

Blosser asked if they are jumping ahead and writing guidelines for a problem that doesn't exist. Whitmore noted the Morgantown Bicycle Board has identified the needs and the bicycle plan states that a parking spot is needed in order to have a bicycle.

Blosser expressed this would serve a small part of the community but would affect a price from the larger part of the community that may not need the service.

Fletcher explained the MPO's Long-Range Transportation Plan and the City's Comprehensive Plan seek to increase multi-modal transportation options and this would be a strategy to increase infrastructure to support this mode of transport.

Blosser noted there are facilities in existence that aren't being used or are neglected.

Petros expressed this amendment is premature.

Fletcher made a suggestion to table amendment and schedule a workshop to meet with the Bike Board in order to have a more informed conversation. DeMasters agreed.

Blosser suggested the amendment go before the Traffic Commission prior to coming back to the Planning Commission. Fletcher noted the Traffic Commission was scheduled to discuss it during its May meeting but a quorum was not present to conduct business.

Petros suggested a developer come to the next meeting and provide an idea of costs associated with development of an additional infrastructure.

Kawecki understands there is no change in spaces that are required currently and the only thing requested is for a storage structure. Fletcher explained that currently the rules only apply to the B-4 District and the changes would apply City wide.

Whitmore explained short-term parking in non-residential uses would be added.

Kawecki stated he is in favor of a workshop. DeMasters agreed and stated he needs more information as the amendment may need tweaked in order to be complete.

Kawecki made a motion to table TX16-03; seconded by Blosser. Motion carried unanimously.

- E. TX16-04 / Administrative / Planning Commission:** Administratively requested Zoning Text Amendments to Article 1387 "Planning Commission" of the City's Planning and Zoning Code for the purpose of conforming same in all respects with related West Virginia State requirements.

Fletcher presented the Staff Report.

Fletcher explained that state code requires the Planning Commission to advise City Council of a zoning text amendment if it's in compliance with the Comprehensive Plan and stated the Comprehensive Plan does not address the Planning Commission's composition.

Loretta asked why a representative from each ward is required if they don't represent their particular ward. Fletcher explained that Morgantown has chosen to require composition distribution by geography, which is not a provision in State Code and noted other communities may do things differently across the State.

There being no further comments or questions by the Commission, DeMasters asked if anyone was present to speak in favor of or in opposition to the amendment.

DeMasters recognized James Giuliani of 256 Prairie Avenue who asked for the definition of an administrative staff person and who can be their "designee" or "other". Giuliani suggested to table the text amendment as there is an ongoing litigation and questions that need to be answered before making the changes to this ordinance.

Fletcher read the Staff recommendations.

Fletcher stated the amendment is requesting City Council to pass an ordinance to conform in all respects with State Code requirements for the composition of the Planning Commission, which is consistent with the City's Comprehensive Plan.

Blosser made a motion to forward a favorable recommendation advising City Council that amending the Planning and Zoning Code to conform in all respects with the West Virginia State Code requirements for the composition of the Morgantown Planning Commission is consistent with the 2013 Comprehensive Plan Update as said plan was adopted in accordance with West Virginia Code Chapter 8A, Article 3; seconded by Petros. Motion carried with 5-2 with Loretta and Shuman voting nay.

VI. OTHER BUSINESS

A. Committee Reports

- Traffic Commission:

Blosser stated the Traffic Commission did not meet this month due to lack of quorum but a group still met to discuss how best to serve the community and structure their meetings in a more open way.

- Green Team: No report.

B. Staff Comments: None.

VII. FOR THE GOOD OF THE COMMISSION:

Petros made a suggestion that projects that include the temporary closing of streets along main arteries be part of Planning Commission's site plan review process. Fletcher stated that Staff would research and see if there are any legal parameters involved.

VIII. ADJOURNMENT: 9:50 PM

MINUTES APPROVED:

June 9, 2016

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP